

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**KAYLA DOHERTY,**

Plaintiff,

V.

**MERCK & CO., INC.,**

and

**UNITED STATES OF AMERICA,**

## Defendants

**Case No. 1:15-cv-00129-DBH**

## NOTICE OF CONSTITUTIONAL QUESTION

Pursuant to F.R. Civ. P. 5.1(a)(1)(B) and D. Me. Local Rule 24, Plaintiff KAYLA DOHERTY, by and through the undersigned counsel, hereby notifies the Clerk that her First Amended Complaint in the above-captioned action calls into question the constitutionality of Maine’s so-called “Wrongful Birth Statute,” 24 M.R.S.A. § 2931.

Plaintiff's First Amended Complaint alleges that Maine's Wrongful Birth Statute is unconstitutional, both on its face and as Defendants seek to have it applied to Plaintiff, because it violates the following:

1. The open courts provision of the Maine Constitution, ME CONST, art. I § 19;
2. The due process clause of the Maine Constitution, ME CONST, art. I § 6-A;
3. The right to a jury trial afforded by the Maine Constitution, ME CONST, art. I § 20;
4. The Equal Protection Clause of the Fourteenth Amendment to the United States

### Constitution:

5. The fundamental right to privacy, decisional autonomy, and reproductive freedom afforded by the Due Process Clause of the Fourteenth Amendment to the United States Constitution; and

6. The right to a jury trial afforded by the Seventh Amendment to the United States Constitution.

Respectfully submitted,

Dated: August 6, 2015

*/s/ Laura H. White*

---

Laura H. White, Bar No. 4025  
*Attorney for Plaintiff*  
BERGEN & PARKINSON, LLC  
62 Portland Rd., Suite 25  
Kennebunk, ME 04043  
(207) 985-7000  
*lwhite@bergenparkinson.com*

**CERTIFICATE OF SERVICE**

I, Laura H. White, hereby certify that on this 6<sup>th</sup> day of August, 2015, I filed the foregoing Notice of Constitutional Question via the Court's CM/ECF system, which will automatically send a notice of filing to all counsel of record.

*/s/ Laura H. White*

---

Laura H. White  
*Attorney for Plaintiff*  
BERGEN & PARKINSON, LLC  
62 Portland Road, Suite 25  
Kennebunk, ME 04043  
Phone: (207) 985-7000  
*lwhite@bergenparkinson.com*